



Australian Government
Refugee Review Tribunal

Country Advice

Iraq

Iraq – IRQ37086 – Samawa (or Samawah)
– Muthanna Governorate – Shia militias –
Internal relocation – Basra – Ba’athists

6 August 2010

1. Please provide information regarding general conditions in Samawa.

Samawah (also Al-Samawah; As-Samawah; Al-Samawa; Samawa; *السماعة*) is the capital of Muthanna Governorate (Muthannah, *المثنى*). Muthanna is considered one of the poorest governorates in Iraq, and is characterised by a “lack of infrastructure, low population, and weak economy”¹. In 2009, The United Nations Office for the Coordination of Humanitarian Affairs noted that the province, “fares poorly according to humanitarian and development indicators.”² Generally, Muthanna is one of the most stable Governorates in Iraq.

American forces engaged Iraqi troops in March 2003 and cleared Samawah of Iraqi Republican Guard forces.³ In 2004, the Japanese Government provided ground troops for a non-combat humanitarian mission in Samawah. When the Japanese withdrew ground troops in July 2006⁴, Muthanna was transferred to provincial Iraqi control and became the first Iraqi province to be entirely transferred to Iraqi control.⁵

The period following the transfer was characterised by unrest in the province. Civilians, poor and unemployed, protested against the lack of employment and services. Prior to the handover to local authorities, the Governor of Muthanna was removed by the governorate council in 2005 after rioting in Samawah. The Shiite militia and political leader Muqtada al-Sadr, “announced continued demonstrations in al-Samawah ‘until living conditions are

¹ International Organisation for Migration 2007, *Basrah, Muthanna and Thi-Qar: Governorate Profiles Post February Needs Assessments*, IOM, pg 2,

http://iomiraq.net/library/IOM_displacement_monitoring_reports/governorate_profiles/2008/Governorate_Profiles_Basrah_Muthanna_Thi-Qar_Dec08.pdf – Accessed 12 August 2010 - Attachment 1

² United Nations Office for the Coordination of Humanitarian Affairs 2009, *Muthanna Governorate Profile*, March, <http://www.iauiraq.org/reports/GP-Muthanna.pdf> – Accessed 12 August 2010 - Attachment 2

³ Conetta, C. 2003, ‘Wages of War – Appendix 1 Survey and Assessment of reported Iraqi combatant fatalities in the 2003 War’, *Project on Defense Alternatives Research Monograph #8*,

<http://www.comw.org/pda/0310rm8.html> and

<http://www.comw.org/pda/0310rm8ap1.html#4.%20As%20Samawah> – Accessed 5 August 2010 - Attachment 3

⁴ ‘Japan extends Iraq mission’ 2007, *Al Jazeera English – News Asia-Pacific*, 30 March,

<http://english.aljazeera.net/news/asia-pacific/2007/03/2008525135349344254.html> – Accessed 27 July 2010 - Attachment 5

⁵ UN High Commissioner for Refugees 2009, *Eligibility Guidelines For Assessing The International Protection Needs Of Iraqi Asylum-Seekers*, April, pg 85 <http://www.unhcr.org/refworld/docid/49f569cf2.htm> – Accessed 10 May 2010 – Attachment 6; and Steele, J. 2007, ‘Roadside bomb kills governor in Iraqi province lauded for progress’, *The Guardian Newspaper*, 21 August,

<http://www.guardian.co.uk/world/2007/aug/21/iraq.international> – Accessed 5 August 2010 - Attachment 7

improved in the city.”⁶ On 31 August 2006, armed Iraqi Government forces opened fire on unemployed workers demonstrating in Samawah.⁷ The website, *Today in Iraq*, reported that civilians sleeping on the roofs of their houses were wounded in “separate incidents after being hit by stray bullets from nearby clashes in [Samawah].”⁸

Al Jazeera reported in December 2006,

Shia militiamen were reported to have attacked the police headquarters and provincial offices [in Samawa on Sunday 19 December]... Brigadier Abdul-Karim Khalaf... said five police officers had been killed in the fighting which was still underway on Sunday afternoon... police said they belonged to a militia formed by Muqtada al-Sadr... [but] al-Sadr had lost control of some elements of his militia and it was unclear whether the gunmen in Samawa considered themselves loyal to the cleric or not.⁹

Shia militia

There are two main Shia militia groups operating within Iraq, the Jaysh al-Mahdi (Mahdi Army, also Mahdi Militia or Jaish al-Mahdi (JAM) (جيش المهدي)), under the Shi'ite cleric, Muqtada Al-Sadr (Muqtada Al-Sadr; Muqtadā aṣ-Ṣadr; یدتقم ال صدر)¹⁰, and the Badr Organisation (منظمة بدر), previously known as the Badr Brigades or Badr Corps), the armed wing of the largest Shia political party, the Islamic Supreme Council of Iraq (ISCI).¹¹

⁶ ‘Iraqi governor of al-Samawah removed over riots’ 2005, *Arabic News.com*, 9 August, <http://www.arabicnews.com/ansub/Daily/Day/050809/2005080915.html#> – Accessed 29 July 2010 - Attachment 8

⁷ ‘Worker and Human Rights Violation in Iraq’, *US Labour Against the War.org*, undated, <http://www.uslaboragainstawar.org/article.php?id=22541#> – Accessed 5 August 2010 - Attachment 9

⁸ ‘Daily war news for Thursday, August 31, 2006’ 2006 *Today in Iraq Blog*, 31 August, http://dailywarnews.blogspot.com/2006_08_01_dailywarnews_archive.html – Accessed 5 August 2010 - Attachment 10

⁹ ‘Police killed in Iraq bombing’ 2006 *Al Jazeera – Middle East*, <http://english.aljazeera.net/news/middleeast/2006/12/2008525134812590659.html> – Accessed 27 July 2010 - Attachment 11

¹⁰ **The Mehdi Army** is led by Moqtada Sadr, a young, radical Shia cleric. His brand of Shia nationalism, opposition to the US presence in Iraq and hostility toward the powerful established Shia political parties has proved popular among poor, disenfranchised Shia. Mr Sadr’s key stronghold is the slum district of Sadr City, named after his father, a revered cleric murdered by Saddam Hussein’s security forces. The US has accused Iran of providing funding and support to the Mehdi Army.

Mehdi fighters staged uprisings against US-led forces in April and August 2004, but Mr Sadr has since become involved in the political process and holds 30 seats in the Shia bloc that dominates parliament.

Excerpt from ‘Insurgent Groups: Background’ 2006, *BBC News*, 15 August, http://news.bbc.co.uk/2/hi/middle_east/4268904.stm# – Accessed 6 August 2010 - Attachment 12

¹¹ **The Badr Brigade** – sometimes called the Badr Organisation – is the armed wing of the largest Shia party in Iraq, the Supreme Council for the Islamic Revolution (SCIRI) in Iraq. SCIRI opposed Saddam Hussein from Iran for many years. The Badr Brigade waged a low-level war of ambushes, sabotage, and assassinations against the regime, using undercover cells in Iraq and bases in Iran.

SCIRI is one of the largest parties in the Shia coalition which dominates the Iraqi parliament, and still has strong Iranian connections. In 2005, under SCIRI minister Bayan Jaber the Interior Ministry was accused of recruiting large numbers of the militia’s members into the security forces and turning a blind eye to death squads targeting Sunnis. Both the Badr Brigade and Mehdi army have strong presences in the southern city of Basra.

Excerpt from ‘Insurgent Groups: Background’ 2006, *BBC News*, 15 August, http://news.bbc.co.uk/2/hi/middle_east/4268904.stm# – Accessed 6 August 2010 - Attachment 12

Muqtada Al-Sadr and his Mahdi Army played a pivotal role in defining the security and political environment in Baghdad and the Southern Governorates. Al-Sadr has pursued his goals both militarily and politically:

in 2004, the [Mahdi Army] was engaged in two armed uprisings against the US forces in Najef and a power struggle with other Shi'ite groups, in particular ISCI and the Badr Organisation, erupted into open violence in 2006 and 2007... the unilateral [ceasefires Al-Sadr has imposed] on a splintering [Mahdi Army] in order to regain control and enhance its distorted reputation [have largely been honoured] by the mainstream Mahdi Army, and are widely considered a crucial factor in Iraq's improved security...

[A] number of [Mahdi Army] breakaway factions as well as allegedly Iranian-supported 'Special Groups' continue to confront the ISF/MNF-I and seek to destabilise the security environment irrespective of Al-Sadr's instructions. While these groups have been weakened... many of their leaders are said to have fled to neighbouring Iran where they regroup, retrain and rearm themselves with the intent of returning to Iraq.¹²

It should be noted that the Sadr group and the ISCI are presently politically aligned, united by their opposition to the presence of US-led coalition troops in Iraq¹³ and, in the recent national election, to the State of Law Coalition of Prime Minister Nuri al-Maliki.¹⁴ Otherwise, the groups have divergent interests and support bases. The activities of the Mahdi Army had been in decline following the 2008 crackdown which saw Muqtada al-Sadr announce the ostensive disbandment of his militia.¹⁵

Shia militia in Muthanna Governorate

The capitals of southern governorates Muthanna, Najaf and DhiQar (Diwaniyah, Samawa and Nasseriyah),

¹² UN High Commissioner for Refugees 2009, *Eligibility Guidelines For Assessing The International Protection Needs Of Iraqi Asylum-Seekers*, April, pg 91 <http://www.unhcr.org/refworld/docid/49f569cf2.htm> – Accessed 10 May 2010 – Attachment 6

¹³ *Iraq's Uncertain Future: Elections and Beyond*, 2010, *International Crisis Group Middle East Report N°94*, 25 February, pg 14 <http://www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-syria-lebanon/iraq/094-iraqs-uncertain-future-elections-and-beyond.aspx> – Accessed 3 August 2010 - Attachment 13

¹⁴ "Previous talks to create a pan-Shia alliance failed because followers of Moqtada al-Sadr, the Iraqi Shia leader and a main component of INA who won 40 seats out of INA's 80 seats, refused any deal that would secure a second term for al-Maliki", see: 'Maliki allies with rival Shia party' 2010, *Al Jazeera News – Middle East*, 5 May, <http://english.aljazeera.net/news/middleeast/2010/05/201054195022810454.html#> – Accessed 4 August 2010 - Attachment 14

For brief update on the state of the post election period and the pending formation of an Iraqi Government see, Faraj, S. 2010, 'Iraq election victor boosted as Shiite parties bicker', *Associated Press*, 5 August, <http://www.google.com/hostednews/afp/article/ALeqM5glb17JkcIeWnUjPTB8znVgXByCGA#> – Accessed 5 August 2010 - Attachment 15

¹⁵ "The key question for Iraq's future is how much of a threat the JAM still presents to political accommodation in Iraq, and how Sadr will actually use it in the future. According to recent estimates in a Multi-National Force-Iraq (MNF-I) report, 'The Mahdi Army and its affiliated special groups have a combined nationwide strength of approximately 25,000 to 40,000 active members supported by a large body of non-active supporters.' However, the true size of the JAM is guesswork at best. So are the size of its weapons holdings, the level of training given cadres have absorbed, the role Iran has played with various elements, and how much discipline Sadr can exert over time", see: pp.12, 14-28 in: Cordesman, J.H. & Burke, J.R.A.A. 2008, 'Sadr and The Mahdi Army: Evolution, Capabilities, and a New Direction', Centre for Strategic and International Studies, 4 August http://csis.org/files/media/csis/pubs/080804_jam.pdf – Accessed 11 May 2010 - Attachment 16

have all experienced occasional outbreaks of violence in the past, mostly clashes among the two Shi'ite rivals, the [the Mahdi Army] and the Badr Organisation affiliated with the ISCI... Violence flared in March when the Iraqi Government began a crackdown against Shi'ite militiamen in Basrah, prompting reprisal attacks by Sadr's followers across the Southern Governorates.¹⁶

The most significant of these incidents were the assassinations of the Governor of Muthanna, Muhammad Ali Hasan al-Hassani, and Jalil Hamzah, Governor of Diwaniyah, capital Qadisiyah Province, in August 2007. The victims were killed within days of each other; both were members of the Supreme Islamic Iraq Council (SIIC)¹⁷ and supporters of the US.

The perpetrators were never apprehended, although commentators have theorised that the Mahdi Army were responsible, as did the Muthanna police.¹⁸ Writing for the *Guardian*, Jonathan Steele said the attacks appeared to,

stem from the growing struggle for power in the south between the two main Shia groups with militias... Both governors were members of the Supreme Islamic Iraqi Council, led by Abdul-Aziz al-Hakim, [whose] militias have been at odds with the Mahdi Army of Moqtada al Sadr in several southern towns and cities."¹⁹

The website *Albasrah*, a southern Iraqi nationalist, anti-US website, reported that on Monday, 20 August 2007,

Jalil Hamzah, the puppet regime's chief administrator in ad-Diwaniyah died in the explosion of a device identical to that which killed al-Hassani on Monday – a type of explosive device that is said to be made in Iran... As-Samawah and ad-Diwaniyah have witnessed intermittent clashes between the Jaysh al-Mahdi and Badr Brigades in recent days following the assassination of the puppet governor of ad-Diwaniyah.²⁰

¹⁶ UN High Commissioner for Refugees 2009, *Eligibility Guidelines For Assessing The International Protection Needs Of Iraqi Asylum-Seekers*, April, <http://www.unhcr.org/refworld/docid/49f569cf2.htm> – Accessed 10 May 2010 – Attachment 6

¹⁷ International Organisation for Migration 2007, *Basrah, Muthanna and Thi-Qar: Governorate Profiles Post February Needs Assessments*, IOM, pg 5, http://iomiraq.net/library/IOM_displacement_monitoring_reports/governorate_profiles/2008/Governorate_Profiles_Basrah_Muthanna_Thi-Qar_Dec08.pdf – Accessed 12 August 2010 - Attachment 1; and 'Fearing Shia chaos in Iraq' 2007, *Iraq Updates*, source: *Voices of Iraq*, 6 September

http://www.iraqupdates.com/p_articles.php/article/21484 – Accessed 20 February 2009 - Attachment 17

¹⁸ Steele, J 2007, 'Roadside bomb kills governor in Iraqi province lauded for progress', *The Guardian Newspaper*, 21 August, <http://www.guardian.co.uk/world/2007/aug/21/iraq.international> – Accessed 5 August 2010 - Attachment 7

¹⁹ Steele, J 2007, 'Roadside bomb kills governor in Iraqi province lauded for progress', *The Guardian Newspaper*, 21 August, <http://www.guardian.co.uk/world/2007/aug/21/iraq.international> – Accessed 5 August 2010 - Attachment 7

²⁰ 'Iraqi Resistance Report' 2007, *Al-Basrah.net* http://www.albasrah.net/en_articles_2007/0807/iraqiresistancereport_200807.htm – Accessed 5 August 2010 - Attachment 18.

Albasrah describes the website as, "a personal website that first appeared on the Internet in April 2003. Their initial "intention was to bring together everything about the beautiful city of al-Basrah – its history, culture, heritage, and art. But [after] the invasion of Iraq... Our task then became to gather together and present all the news and facts – written articles, video clips, and sound recordings – in both Arabic and English – that expose the occupation."

Albasrah has also described the violence as an incidence of rival Shi'i sectarian fundamentalist gangs escalating a turf war for control of southern Iraq.

In spite of these sporadic violent events in Muthanna, and that "serious concerns remain regarding the sustainability of the improvements [in security]", the *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers* (The UNHCR Guidelines) notes that "the security situation in the southern governorates [including] Muthanna... has significantly stabilised since late 2007."²¹

The UNHCR describes the Southern governorates of Kerbala, Najaf, Muthanna, Missan and Thi-Qar as "relatively stable... although political power struggles at times turn violent. Higher levels of insecurity are prevalent in Basarah."²²

The UNHCR goes on to warn,

[t]hese developments and improvements [in security] all have to be seen in context. They can be unpredictable, with several setbacks occurring, and there are major uncertainties and risks remaining. Thus, despite the fact that overall security has improved, armed groups remain lethal and suicide attacks and car bombs directed against the MNF-I/ISF... as well as civilians... in addition to targeted assassinations and kidnappings continue to occur on a regular basis."²³

The US Department of State Human Rights Report 2009 noted that "reporting from the southern provinces remained markedly positive... [and that] Shi'a militant groups remain the primary threat to southern Iraq."²⁴

Although provincial elections were held peacefully in Samawah in 2009²⁵ where the party of the incumbent President, State of Law Coalition, won (10.9 per cent) and beat the ISCI party, al-Mehraad Martyr List by 1.3 per cent²⁶; the uncertainty which surrounds the March 2010 national elections, and the failure of national parties to form a viable coalition government continues to affect the security situation across the country²⁷. This situation is

²¹ UN High Commissioner for Refugees 2009, *Eligibility Guidelines For Assessing The International Protection Needs Of Iraqi Asylum-Seekers*, April, pp. 18-19, <http://www.unhcr.org/refworld/docid/49f569cf2.htm> – Accessed 10 May 2010 – Attachment 6

²² UN High Commissioner for Refugees 2009, *Eligibility Guidelines For Assessing The International Protection Needs Of Iraqi Asylum-Seekers*, April, pp. 13-14, <http://www.unhcr.org/refworld/docid/49f569cf2.htm> – Accessed 10 May 2010 – Attachment 6

²³ UN High Commissioner for Refugees 2009, *Eligibility Guidelines For Assessing The International Protection Needs Of Iraqi Asylum-Seekers*, April, pp. 13-14, <http://www.unhcr.org/refworld/docid/49f569cf2.htm> – Accessed 10 May 2010 – Attachment 6

²⁴ United States Department of State 2010, '2009 Country Reports on Human Rights Practices', US State Department website, 11 March www.state.gov/g/drl/rls/hrrpt/2009/nea/136069.htm – Accessed 12 March 2010 – Attachment 19

²⁵ Times correspondents in Iraq 2009, 'Iraq: Voices from Iraq's Provincial elections', 31 January, *LA Times Blog* <http://latimesblogs.latimes.com/babylonbeyond/2009/01/iraq-voices-fro.html#> – Accessed 28 July 2010 – Attachment 21, Muthanna province voted State of Law (1) then Iraqi National Alliance (2), 'Results: Iraq's 2010 Parliamentary election' 2010, *The Majlis*, <http://www.themajlis.org/projects/iraq-results> – Accessed 12 August 2010 – Attachment 22

²⁶ 'Al Muthanna governorate election 2009', undated, *Wikipedia.org*, http://en.wikipedia.org/wiki/Al_Muthanna_governorate_election_2009 – Accessed 4 August 2010 – Attachment 23

²⁷ Further information and analysis of the post election period can be found *inter alia*: *Iraq's Uncertain Future: Elections and Beyond*, 2010, *International Crisis Group Middle East Report N°94*, 25 February, pg 14 <http://www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-syria-lebanon/iraq/094-iraqs-uncertain-future-elections-and-beyond.aspx> – Accessed 3 August 2010 – Attachment 13

further complicated by the transfer of security responsibilities within Iraq to the Iraqi authorities, and the projected withdrawal of American forces by 31 August, 2010.²⁸

The UNHCR reported in July 2010, that violence has increased after the national elections, although the majority of the violence has been experienced in central governorates, Baghdad, Diyala, Kirkurk, Ninewa and Salah Al-Din.²⁹ Violence also followed the 30 June anniversary of US troop withdrawal of combat forces from towns and cities. As Human Rights Watch reported:

Iraq marked the June 30, 2009 withdrawal of United States combat forces from its towns and cities with parades and a national holiday. In the subsequent weeks, violence shook the country as extremists launched multiple attacks in several locations.³⁰

2. Please provide information about Shia militias, or any other groups, that are threatening former Ba'ath Party members in the Samawa area.

No sources were found which discuss the targeting of former Ba'ath Party members in Samawa by Shia militia or other groups. However, Shia militia are known to have been active in the area during initial conflict in 2003, and periodically attack police and stage protests in the city.³¹

The main road from Kabala through Qadisiyah features in two similar incidents recorded in July 2006, listed here by the website, *Iraq Body Count*:

- 24 July 2006 a former Ba'ath Party member was shot at on the road in Diwaniya;
- 24 July 2006, "Ex-member of Ba'ath Party killed Daghara, N of Diwaniya"; and
- 20 July 2006, "taxi driver/former member of the ousted Baath Party by gunmen".³²

²⁸ United Nations High Commissioner for Refugees 2010, 'Note on the Continued Applicability of the April 2009 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers', UNHCR, July, p. 2 – Attachment 37; and CX246864: IRAQ: Iraqis don't expect political impasse to be resolved by fall, Washington Post, The, 1 August, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/07/31/AR2010073103057.html?wpisrc=nl_cuzhead - Accessed 2/08/2010

²⁹ United Nations High Commissioner for Refugees 2010, 'Note on the Continued Applicability of the April 2009 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers', UNHCR, July, p. 2 – Attachment 37; and CX246864: IRAQ: Iraqis don't expect political impasse to be resolved by fall, Washington Post, The, 1 August, 2010, , http://www.washingtonpost.com/wp-dyn/content/article/2010/07/31/AR2010073103057.html?wpisrc=nl_cuzhead

Added: 2/08/2010

³⁰ Human Rights Watch Annual Report, 2009, p. 501

³¹ 'Police killed in Iraq bombing' 2006 *Al Jazeera – Middle East*, <http://english.aljazeera.net/news/middleeast/2006/12/2008525134812590659.html> - Accessed 27 July 2010 - Attachment 25

³² *Iraq Body Count* *Iraq Body Count* (IBC) records the violent civilian deaths that have resulted from the 2003 military intervention in Iraq. Its public database includes deaths caused by US-led coalition forces and paramilitary or criminal attacks by others. IBC's documentary evidence is drawn from crosschecked media reports of violent events leading to the death of civilians, or of bodies being found, and is supplemented by the careful review and integration of hospital, morgue, NGO and official figures. Systematically extracted details about deadly incidents and the individuals killed in them are stored with every entry in the database. The

Officially, former members of the Ba'ath party who did not hold positions of particular authority or influence are not targeted. The Iraqi constitution states,

[m]ere membership in the dissolved Ba'ath party shall not be considered a sufficient basis for referral to court, and a member shall enjoy equality before the law and protection unless covered by the provisions of De-Ba'athification and the directives issued according to it.³³

After the American coalition ended Saddam Hussein's rule, the coalition proceeded to dismantle the entire Ba'athist infrastructure, including the army, police and the civil service.³⁴ However, recognising that many Ba'ath party members joined in order to protect their livelihood under Hussein's regime, legislation passed in 2008 allowed many former Ba'athists to return to their jobs and resume political activity.³⁵

In spite of this formal recognition of the situation for many low ranking former members of the Ba'ath Party, a March 2010 Amnesty International report stated that Shia militia groups, including the Badr Organisation "continue to commit human rights abuses, including kidnapping, torture and murder of civilians".³⁶ The report does not specify whether the civilians are targeted for religious, political or criminal reasons.

3. Is there any information suggesting that former Ba'athists are still of adverse interest to previously persecuted groups in Iraq?

Although information is limited, the available material strongly suggests that Ba'athists are still targeted, although attacks are less frequent than in previous years. The majority of anti-Ba'athist violence continues to occur mainly in the Central Governorates. As the UNHCR Guidelines detail,

[s]ince the fall of the [Ba'athist] regime, and in particular since the elections in 2005, when Shi'ite parties came to power, [members and associates of the Ba'ath Party and the former regime] have been the subject to (sic) systematic attacks, mainly by Shi'ite militia... **While members of the former Ba'ath Party and regime are not longer systematically targeted, they may still fall victim in individual cases, for example as a result of personal revenge for former victims or their families against perpetrators of detention, torture or other violations of human rights.** While some killings of former Ba'athists or members of the former regime have been documented in the media in 2008 and 2009, mainly in Central Governorates, other cases may go unreported not the least because the exact motivation behind an attack may not always be known... [and] in most cases, it will not be possible to establish for what reason someone was targeted... Other

minimum details always extracted are the number killed, where, and when. <http://www.iraqbodycount.org/about/> – Accessed 6 August 2010.

Iraq Body Count, undated, <http://www.iraqbodycount.org/database/incidents/page329> - Accessed 12 August 2010, Attachment 24

³³ UK Home Office 2009, *Country of Origin Information Report: Iraq*, 10 December, pg 116 - Attachment 26

³⁴ Gatehouse, G. 2010, 'Saddam shadow darkens Iraq elections', 12 February, *BBC News* http://news.bbc.co.uk/2/hi/middle_east/8512211.stm - Accessed 2 August 2010 - Attachment 27

³⁵ Political Handbook of the World Online Edition, 2010, p. 13 – Attachment 28

³⁶ Amnesty International 2010, *Iraq: Human Rights Briefing*, 1 March, MDE 14/004/2010, p.10 <http://www.amnesty.org/en/library/asset/MDE14/004/2010/en/20f0c384-7dc6-409d-a0fb-767c349ef41c/mde140042010en.html> - Accessed 25 May 2010 – Attachment 29

groups perceived as having supported or received preferential treatment by the former regime have also been targeted by Shi'ite militias.³⁷

According to the Center for Strategic and International Studies, extreme elements of the Mahdi Army are involved in indiscriminate crime and are highly violent towards both Sunnis and Shiites who "get in their way".³⁸ For example, reports were found of former Sunni Ba'ath party members being targeted in Kerbala by alleged Mahdi Army members in 2008 and before.³⁹ One report was found in 2009 of the assassination of a former Baath party leader in Kerbala, although the perpetrators are not identified.⁴⁰

Although former Ba'athists have been gradually re-integrated into national structures, including the national police, the Iraqi Army and the Emergency Reaction Units from mid-2007, Ba'athists continue to be systematically excluded from public life. For instance, over 500 former Ba'athists were initially disqualified from contesting the March 2010 national election by the Accountability and Justice Commission. This decision was upheld by the Independent High Electoral Commission (IHEC); however, the Appeals Court subsequently reinstated 28 candidates.⁴¹

The UNHCR suggests that,

This [process is] gradually splintering the moderate former Ba'athists from the irreconcilables. The passage of the Accountability and Justice Law in Iraq's parliament in 11 January 2008... may allow some more junior insurgents to be reintegrated, although this process informally began well before the law's passage and might even be upset by stirring up the issue of De-Ba'athification once again.⁴²

4. What are possibilities for relocation in Iraq? For example, is there any reason why a Shia Muslim from Samawa could not reasonably relocate permanently to Basra?

Whilst sources indicate that Iraqi refugees have been internally relocated, the success of these relocations is limited and dependant on three key factors:

³⁷ UN High Commissioner for Refugees 2009, *Eligibility Guidelines For Assessing The International Protection Needs Of Iraqi Asylum-Seekers*, April, pp. 170-171, <http://www.unhcr.org/refworld/docid/49f569cf2.htm> – Accessed 10 May 2010 – Attachment 6

³⁸ UN High Commissioner for Refugees 2009, *Eligibility Guidelines For Assessing The International Protection Needs Of Iraqi Asylum-Seekers*, April, <http://www.unhcr.org/refworld/docid/49f569cf2.htm> – Accessed 10 May 2010 – Attachment 6; Cordesman, A. H. and Mausner, A. 2009, 'How Soon Is Safe? Iraqi Force Development and "Conditions-Based" Us Withdrawals', *Center for Strategic and International Studies (CSIS) website*, 20 April, p. 45-46, 156 <http://csis.org/publication/how-soon-safe> – Accessed 22 June 2009 – Attachment 30; Katzman, K. 2009, *CRS Report for Congress, Iraq: Post-Saddam Governance and Security*, Congressional Research Service, 29 December. pp. 14, 24-27 <http://www.unhcr.org/refworld/pdfid/4b73cccb2.pdf> – Accessed 24 May 2010 – Attachment 31

³⁹ Roggio, B. 2008, 'Five senior Mahdi Army commanders captured in Karbala', *Long War Journal*, 4 June http://www.longwarjournal.org/archives/2008/06/five_senior_mahdi_ar.php – Accessed 22 July 2010 – Attachment 32; 'Iraq police arrest five Shiites wanted for over 720 murders', 2008, *AFP*, 4 June <http://afp.google.com/article/ALEqM5jDtSpFaTzb1Ju3CQV5hTgLCUsQ4g> – Accessed 12 August 2010 – Attachment 33

⁴⁰ 'Ex-Baathist assassinated in Iraq' 2009, *Trend News*, 27 March, <http://en.trend.az/news/world/wnews/1446026.html> – Accessed 12 August 2010 – Attachment 34

⁴¹ UN High Commissioner for Refugees 2009, *Eligibility Guidelines For Assessing The International Protection Needs Of Iraqi Asylum-Seekers*, April, pg. 1, <http://www.unhcr.org/refworld/docid/49f569cf2.htm> – Accessed 10 May 2010 – Attachment 6

⁴² UK Home Office 2009, *Country of Origin Information Report: Iraqi*, 10 December, pg 117 – Attachment 26

- whether the refugee has familial or tribal links⁴³ in the area of relocation;
- the facilities available to materially support refugees in the area; and
- the nature and extent of any ongoing violence in the area.

The UNHCR,

maintains that an internal flight or relocation alternative should not be considered to be available for Iraqi asylum-seekers within any parts of Central and Southern Governorates because of the overall ability of agents of persecution to perpetrate acts of violence within impunity, the ongoing violence and human rights violations, risks associated with travel, and the hardship faced in ensuring even basic survival in areas of relocation... with regard to persecution feared from non-state actors there is a strong likelihood that non-state agents of persecution could extend their reach to other areas of the Central of Southern Governorates.⁴⁴

The International Organisation for Migration also warns of the dangers of squatting in government or privately owned land, and notes that IDPs in this situation “are often among the most vulnerable and do not have housing alternatives.”⁴⁵

Internal relocation may only be possible in circumstances where a person seeking relocation can move to an area with which they have familial or tribal ties; however, even in these situations, the UNHCR advises only voluntary relocation, particularly noting that,

protection by national authorities will not [generally] be available given that the national authorities have yet limited capacity to enforce law and order, the ISF maybe infiltrated by radical elements and is prone to intimidation and corruption.⁴⁶

Possibilities of relocation to Basrah

When considering return of persons originating from Southern governorates, the UNHCR advises against return of persons to areas from which they do not originate.⁴⁷ As Human Rights Watch reported in their *2010 Annual Report*, although there have been fewer reports of “attacks and arrests of refugees [since the end of 2007, however] refugees were [still] targeted periodically in attacks carried out by insurgents, extremists, and criminals.”⁴⁸

In 2007, Basrah experienced “intra-sectarian, inter-tribal and inter-militia fighting that generated new displacement and exacerbated the humanitarian crisis among

⁴³ Information on the social and political importance of Iraq’s familial and tribal structures can be found in *RRT Research Response IRQ17470* August 2005.

⁴⁴ United Nations High Commissioner for Refugees 2009, ‘UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers’, UNHCR, April, p. 20 – Attachment 6

⁴⁵ International Organisation for Migration (IOM) 2010, ‘IOM Emergency Needs Assessments: Four Years of Post-Samarra Displacement in Iraq’, 13 April, p.8
http://www.iomiraq.net/library/IOM_displacement_monitoring_reports/yearly_and_mid_year_reviews/2010/IOM_Displacement_Reports_Four_Years_of_Post-Samarra_Displacement.pdf – Accessed 25 May 2010.

⁴⁶ United Nations High Commissioner for Refugees 2009, ‘UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers’, UNHCR, April, p. 43 – Attachment 6

⁴⁷ United Nations High Commissioner for Refugees 2010, ‘Note on the Continued Applicability of the April 2009 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers’, UNHCR, July, p. 6 - Attachment 37

⁴⁸ Human Rights Watch Annual Report, 2010

those who are already displaced.”⁴⁹ Of the internally displaced persons (IDPs) in Basrah in December 2007, almost half had not received any humanitarian assistance.⁵⁰ Fighting in Basrah erupted again in March 2008 between US-backed Iraqi security forces and fighters from the Mahdi Army of Shia leader Muqtada al-Sadr;⁵¹ and in June 2010 residents of Basrah joined national demonstrations protesting the lack electricity and basic services.⁵²

In research for the Jamestown Foundation in 2010, Rachel Shneller comments,

[o]f those refugees returning to Iraq from abroad, the large majority become part of the IDP population. These refugees do not return to their original homes, but rather seek new homes where they will not be a target for sectarian violence.⁵³

The UNHCR further advises that,

IDPs that share a common background with the host community and have tribal/family links in the area of relocation mostly have good relations with the local community and disputes over resources or employment are rare... tensions and even harassment and persecution have been reported in areas where the host community and the IDPs do not share the same background. In some cases, this drives IDPs into secondary displacement in search of an ethnically homogenous community.⁵⁴

Thus,

[i]n light to the overall situation in the Central and Southern Governorates, UNHCR considers that, on the whole, an internal flight or relocation alternative would not be relevant or reasonable, given, in particular, the continued existence of violence and prevalent human rights violations and the serious difficulties faced in accessing basic services and ensuring economic survival in a situation of displacement.⁵⁵

⁴⁹ International Organisation for Migration 2007, *Basrah, Muthanna and Thi-Qar: Governorate Profiles Post February Needs Assessments*, IOM, pg 13, http://iomiraq.net/library/IOM_displacement_monitoring_reports/governorate_profiles/2008/Governorate_Profiles_Basrah_Muthanna_Thi-Qar_Dec08.pdf - Accessed 12 August 2010 - Attachment 1

⁵⁰ International Organisation for Migration 2007, *Basrah, Muthanna and Thi-Qar: Governorate Profiles Post February Needs Assessments*, IOM, pg 13, http://iomiraq.net/library/IOM_displacement_monitoring_reports/governorate_profiles/2008/Governorate_Profiles_Basrah_Muthanna_Thi-Qar_Dec08.pdf - Accessed 12 August 2010 - Attachment 1

⁵¹ ‘Iraq power outages provoke protests’ 2010, *Al Jazeera*, 21 June, <http://english.aljazeera.net/news/middleeast/2010/06/2010621141946159881.html> - Accessed 6 August 2010 - Attachment 38

⁵² ‘Iraq power outages provoke protests’ 2010, *Al Jazeera*, 21 June, <http://english.aljazeera.net/news/middleeast/2010/06/2010621141946159881.html> - Accessed 6 August 2010 - Attachment 38

⁵³ Shneller, R. 2010, ‘No Place Like Home: Iraq’s Refugee Crisis Threatens the Future of Iraq’, Jamestown Foundation, 26 February [http://www.jamestown.org/programs/gta/single/?tx_ttnews\[tt_news\]=36089&cHash=3fbf04a6ab](http://www.jamestown.org/programs/gta/single/?tx_ttnews[tt_news]=36089&cHash=3fbf04a6ab) – Accessed 2 March 2010 - Attachment 35

⁵⁴ UN High Commissioner for Refugees 2009, *Eligibility Guidelines For Assessing The International Protection Needs Of Iraqi Asylum-Seekers*, April, p. 46 <http://www.unhcr.org/refworld/docid/49f569cf2.htm> – Accessed 10 May 2010 – Attachment 6

⁵⁵ UN High Commissioner for Refugees 2009, *Eligibility Guidelines For Assessing The International Protection Needs Of Iraqi Asylum-Seekers*, April, p. 51 <http://www.unhcr.org/refworld/docid/49f569cf2.htm> – Accessed 10 May 2010 – Attachment 6

5. Any other points of interest?

The United States Department of State *International Religious Freedom Report* 2009 notes that “national identity cards continued to note the holder’s religion, which has been used as a basis for discrimination; however, passports did not note religion.”⁵⁶

It may be of note that in October 2009, the Umm Qasr Cement factory reopened after production was halted in 2003.⁵⁷

Attachments

1. International Organisation for Migration 2007, *Basrah, Muthanna and Thi-Qar: Governorate Profiles Post February Needs Assessments*, IOM, pg 2, http://iomiraq.net/library/IOM_displacement_monitoring_reports/governorate_profiles/2008/Governorate_Profiles_Basrah_Muthanna_Thi-Qar_Dec08.pdf - Accessed 12 August 2010.
2. United Nations Office for the Coordination of Humanitarian Affairs 2009, *Muthanna Governorate Profile*, March, <http://www.iauiraq.org/reports/GP-Muthanna.pdf> - Accessed 12 August 2010.
3. Conetta, C. 2003, ‘Wages of War – Appendix 1 Survey and Assessment of reported Iraqi combatant fatalities in the 2003 War’, *Project on Defense Alternatives Research Monograph #8*, <http://www.comw.org/pda/0310rm8.html> and <http://www.comw.org/pda/0310rm8ap1.html#4.%20As%20Samawah> - Accessed 5 August 2010.
4. Deleted.
5. ‘Japan extends Iraq mission’ 2007, *Al Jazeera English – News Asia-Pacific*, 30 March, <http://english.aljazeera.net/news/asia-pacific/2007/03/2008525135349344254.html> - Accessed 27 July 2010.
6. UN High Commissioner for Refugees 2009, *Eligibility Guidelines For Assessing The International Protection Needs Of Iraqi Asylum-Seekers*, April, <http://www.unhcr.org/refworld/docid/49f569cf2.htm> – Accessed 10 May 2010.
7. Steele, J. 2007, ‘Roadside bomb kills governor in Iraqi province lauded for progress’, *The Guardian Newspaper*, 21 August, <http://www.guardian.co.uk/world/2007/aug/21/iraq.international> - Accessed 5 August 2010.
8. ‘Iraqi governor of al-Samawah removed over riots’ 2005, *Arabic News.com*, 9 August, <http://www.arabicnews.com/ansub/Daily/Day/050809/2005080915.html#> - Accessed 29 July 2010.

⁵⁶ UK Home Office 2009, *Country of Origin Information Report: Iraqi*, 10 December, p. 134 - Attachment 26

⁵⁷ ‘Investment plan to rehabilitate Umm Qasr Cement Factory’ 2009, *Umm Qasr Developments*, 28 October, <http://ummqasardevelopments.com/index.php/2009/10/28/investment-plan-to-rehabilitate-umm-qasr-cement-factory/#> – Accessed 29 July 2010 - Attachment 36

9. 'Worker and Human Rights Violation in Iraq', *USLabourAgainsttheWar.org*, undated, <http://www.uslaboragainstawar.org/article.php?id=22541#> - Accessed 5 August 2010.
10. 'Daily war news for Thursday, August 31, 2006' 2006 *Today in Iraq Blog*, 31 August, http://dailywarnews.blogspot.com/2006_08_01_dailywarnews_archive.html - Accessed 5 August 2010.
11. 'Police killed in Iraq bombing' 2006 *Al Jazeera – Middle East*, <http://english.aljazeera.net/news/middleeast/2006/12/2008525134812590659.html> - Accessed 27 July 2010.
12. 'Insurgent Groups: Background' 2006, *BBC News*, 15 August, http://news.bbc.co.uk/2/hi/middle_east/4268904.stm# - Accessed 6 August 2010.
13. *Iraq's Uncertain Future: Elections and Beyond*, 2010, *International Crisis Group* Middle East Report N°94, 25 February, pg 14 <http://www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-syria-lebanon/iraq/094-iraqs-uncertain-future-elections-and-beyond.aspx> – Accessed 3 August 2010.
14. 'Maliki allies with rival Shia party' 2010, *Al Jazeera News – Middle East*, 5 May, <http://english.aljazeera.net/news/middleeast/2010/05/201054195022810454.html#> - Accessed 4 August 2010.
15. Faraj, S. 2010, 'Iraq election victor boosted as Shiite parties bicker', *Associated Press*, 5 August, <http://www.google.com/hostednews/afp/article/ALeqM5glb17JkcIeWnUjPTB8znVgXByCGA#> - Accessed 5 August 2010.
16. Cordesman, J.H. & Burke, J.R.A.A. 2008, 'Sadr and The Mahdi Army: Evolution, Capabilities, and a New Direction', *Centre for Strategic and International Studies*, 4 August http://csis.org/files/media/csis/pubs/080804_jam.pdf – Accessed 11 May 2010.
17. 'Fearing Shia chaos in Iraq' 2007, *Iraq Updates*, source: *Voices of Iraq*, 6 September http://www.iraqupdates.com/p_articles.php/article/21484 – Accessed 20 February 2009.
18. 'Iraqi Resistance Report' 2007, *Al-Basrah.net* http://www.albasrah.net/en_articles_2007/0807/iraqiresistancereport_200807.htm - Accessed 5 August 2010.
19. United States Department of State 2010, '2009 Country Reports on Human Rights Practices', US State Department website, 11 March www.state.gov/g/drl/rls/hrrpt/2009/nea/136069.htm - Accessed 12 March 2010.
20. Deleted.
21. Times correspondents in Iraq 2009, 'Iraq: Voices from Iraq's Provincial elections', 31 January, *LA Times Blog* <http://latimesblogs.latimes.com/babylonbeyond/2009/01/iraq-voices-fro.html#> - Accessed 28 July 2010.
22. 'Results: Iraq's 2010 Parliamentary election' 2010, *The Majlis*, <http://www.themajlis.org/projects/iraq-results> – Accessed 12 August 2010.

23. 'Al Muthanna governorate election 2009', undated, *Wikipedia.org*,
http://en.wikipedia.org/wiki/Al_Muthanna_governorate_election_2009 - Accessed 4 August 2010.
24. *Iraq Body Count*, undated, <http://www.iraqbodycount.org/database/incidents/page329> - Accessed 12 August 2010.
25. 'Police killed in Iraq bombing' 2006 *Al Jazeera – Middle East*,
<http://english.aljazeera.net/news/middleeast/2006/12/2008525134812590659.html> - Accessed 27 July 2010.
26. UK Home Office 2009, *Country of Origin Information Report: Iraq*, 10 December.
27. Gatehouse, G. 2010, 'Saddam shadow darkens Iraq elections', 12 February,
http://news.bbc.co.uk/2/hi/middle_east/8512211.stm - Accessed 2 August 2010.
28. Political Handbook of the World Online Edition, 2010.
29. Amnesty International 2010, *Iraq: Human Rights Briefing*, 1 March, MDE 14/004/2010,
<http://www.amnesty.org/en/library/asset/MDE14/004/2010/en/20f0c384-7dc6-409d-a0fb-767c349ef41c/mde140042010en.html> - Accessed 25 May 2010.
30. Cordesman, A. H. and Mausner, A. 2009, 'How Soon Is Safe? Iraqi Force Development and "Conditions-Based" Us Withdrawals', *Center for Strategic and International Studies (CSIS) website*, 20 April, <http://csis.org/publication/how-soon-safe> – Accessed 22 June 2009.
31. Katzman, K. 2009, *CRS Report for Congress, Iraq: Post-Saddam Governance and Security*, Congressional Research Service, 29 December. pp. 14, 24 – 27
<http://www.unhcr.org/refworld/pdfid/4b73cccb2.pdf> - Accessed 24 May 2010.
32. Roggio, B. 2008, 'Five senior Mahdi Army commanders captured in Karbala', *Long War Journal*, 4 June,
http://www.longwarjournal.org/archives/2008/06/five_senior_mahdi_ar.php – Accessed 22 July 2010.
33. 'Iraq police arrest five Shiites wanted for over 720 murders', 2008, *AFP*, 4 June
<http://afp.google.com/article/ALeqM5jDtSpFaTzb1Ju3CQV5hTgLCUsQ4g> - Accessed 12 August 2010.
34. 'Ex-Baathist assassinated in Iraq' 2009, *Trend News*, 27 March,
<http://en.trend.az/news/world/wnews/1446026.html> - Accessed 12 August 2010.
35. Shneller, Rachel 2010, 'No Place Like Home: Iraq's Refugee Crisis Threatens the Future of Iraq', Jamestown Foundation, 26 February
[http://www.jamestown.org/programs/gta/single/?tx_ttnews\[tt_news\]=36089&cHash=3fbf04a6ab](http://www.jamestown.org/programs/gta/single/?tx_ttnews[tt_news]=36089&cHash=3fbf04a6ab) – Accessed 2 March 2010.
36. 'Investment plan to rehabilitate Umm Qasr Cement Factory' 2009, *Umm Qasr Developments*, 28 October,
<http://ummqasardevelopments.com/index.php/2009/10/28/investment-plan-to-rehabilitate-umm-qasr-cement-factory/#> – Accessed 29 July 2010.

37. United Nations High Commissioner for Refugees 2010, 'Note on the Continued Applicability of the April 2009 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers', UNHCR, July, p. 2.
38. 'Iraq power outages provoke protests' 2010, Al Jazeera, 21 June,
<http://english.aljazeera.net/news/middleeast/2010/06/2010621141946159881.html> -
Accessed 6 August 2010.